

JUL 20 2006

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Karen Zielen
Name

July 20, 2006
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Thomas R. Cech et al.

Art Unit: 1642

Filing Date: January 11, 2002

Examiner: Susan N.M.N. Ungar, Ph.D.

Serial No: 10/044,692

Docket: 015389-002640 US;
018/213c

Title: NUCLEIC ACID VACCINE FOR ELICITING
AN IMMUNE RESPONSE AGAINST
TELOMERASE REVERSE TRANSCRIPTASE

INTERVIEW SUMMARY

Commissioner for Patents
Alexandria, VA 22313

Dear Sir,

This paper provides a summary of the interview held at the Patent Office on June 14, 2005.

Attending the interview were the undersigned representing the co-owners of the claimed invention, and Examiners Susan Ungar, Jeffrey Siew, Yvonne Eyler, and Deborah Reynolds on behalf of the Patent Office.

PATENT
USSN 10/044,692
Docket 002640US; 018/213c

The participants addressed the rejection of certain claims in the application under the written description and enablement requirements of 35 USC § 112 ¶ 1. Specifically, the applicability of the Written Description Guidelines promulgated on March 7, 2000 was discussed. Applicants' position is that claims to nucleic acid compositions encoding proteins *comprising* 20 or more amino acids of the hTERT sequence satisfy the structure plus function definition of working embodiments of the invention, in parallel with certain examples in the Guidelines.

The participants agreed on the following:

1. In general, at the time the priority applications were filed, technology in the art was sufficiently established so that a skilled reader would know how to formulate a vaccine in which a nucleic acid encodes a particular protein that would be immunogenic for a response against the protein;
2. Claims to nucleic acids encoding proteins *consisting of* novel hTERT sequences would be patentable, without recitation of a function of the encoded protein.

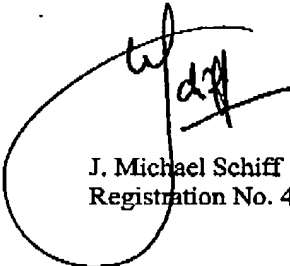
This Interview Summary is being filed at applicants' option to clarify the record as to what was discussed. A request for further consideration of this appeal has already been made in papers filed on November 10, 2005; April 3, 2006; and May 18, 2006. An Interview Summary pursuant to 37 CFR § 1.133(b) is not needed, because matters for reconsideration in the next Office Action have been dealt with in previous submissions.

Nevertheless, applicants may offer further supplemental amendments, remarks, or other papers under 37 CFR § 1.111(a)(2) to advance prosecution of the application or simplify issues for appeal.

PATENT
USSN 10/044,692
Docket 002640US; 018/213c

No fee is believed payable with respect to the filing of this paper. However, should the Patent Office determine that an extension of time or any other relief is required for further consideration of this application, applicant hereby petitions for such relief, and authorizes the Commissioner to charge the cost of such petitions and other fees due in connection with the filing of these papers to Deposit Account No. 07-1139, referencing the docket number indicated above.

Respectfully submitted,



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| | | | |
|---|----------------------|------------------------|---------------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/044,692 | |
| | Filing Date | January 11, 2002 | |
| | First Named Inventor | Thomas R. Cech, et al. | |
| | Art Unit | 1642 | |
| | Examiner Name | Susan Nmn Ungar | |
| Total Number of Pages in This Submission | 5 | Attorney Docket Number | 015389-002640US; 018/213C |

| ENCLOSURES (Check all that apply) | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Supplemental Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition for Revival of Application (2 pages) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks Interview Summary (3 pages) Last page marker (1 page) | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--|-------------------|----------|--------|
| Firm Name | Geron Corporation | | |
| Signature | | | |
| Printed name | J. Michael Schiff | | |
| Date | July 20/06 | Reg. No. | 40,253 |

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| Signature | | |
| Typed or printed name | Karen Zielen | Date |
| | | July 20, 2006 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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